

JUL 16 1993

Before the
Federal Communications Commission

Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM DOCKET NO. 93-107
DAVID A. RINGER)	File No. BPH-911230MA
ASF BROADCASTING CORPORATION)	File No. BPH-911230MB
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
SHELLEE F. DAVIS)	File No. BPH-911231MA
WESTERVILLE BROADCASTING COMPANY)	File No. BPH-911231MB
LIMITED PARTNERSHIP)	
OHIO RADIO ASSOCIATES, INC.)	File No. BPH-911231MC
For a Construction Permit for)	
a New FM Station on Channel 280A,)	
at Westerville, Ohio)	

To: Honorable Walter C. Miller
 Administrative Law Judge

PETITION FOR LEAVE TO AMEND

David A. Ringer ("Ringer"), by and through counsel, and pursuant to §73.3522(b)(2) of the Commission's Rules (47 C.F.R. §73.3522(b)(2)), hereby submits a Petition For Leave To Amend and Amendment. In support whereof, the following is shown:

1. As explained in the Declaration included with the attached Amendment, Mr. Ringer recently discovered an error in the Integration Statement that was included as Exhibit 4 to his original Westerville application and that was exchanged with counsel on May 10, 1993. On July 15, 1993, while preparing for his deposition, Mr. Ringer reviewed a copy of the Joint Engineering Exhibit that was prepared in this proceeding. One of the maps included with the Joint Engineering Exhibit depicts the

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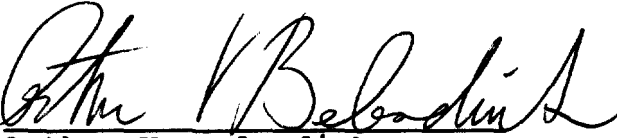
1.0 m/Vm contour of Mr. Ringer's proposed station. Counsel asked Mr. Ringer to verify whether the addresses included in his Integration Statement were located within the 1.0 m/Vm contour of the proposed station. Mr. Ringer examined the map and discovered that some of addresses listed in his Integration Statement were not, in fact, located within the 1.0 m/Vm contour. When the significance of this fact was pointed out to Mr. Ringer, he immediately, with the help of counsel, prepared the attached amendment and filed it with the Commission. Copies of this amendment were made available to the opposing counsel prior to their examination of Mr. Ringer at deposition.

2. As Mr. Ringer explains in his Declaration, this error was completely inadvertant and was a result of his misunderstanding about which of his past local residences would qualify for credit. Upon learning of this error, Mr. Ringer quickly brought this fact to the attention of the opposing parties and sought to amend his application. See Erwin O'Connor, 22 FCC 2d 140, 143 (1970). If this amendment is accepted, no modification of the issues or parties will be necessary. Id. Since this proceeding is still in the discovery stage and since copies of the amendment were made available to opposing counsel prior to their examination of Mr. Ringer, acceptance of the amendment will not disrupt the orderly conduct of the proceeding nor will it unfairly prejudice any other applicant. Id. Finally, since Mr. Ringer is actually eliminating information from his application, he will not gain an unfair competitive

advantage by the acceptance of this amendment. Id. Therefore,
good cause exists for the acceptance of this amendment. Id.

WHEREFORE, the above-premises considered, David A. Ringer
respectfully requests that his attached amendment be **ACCEPTED**.

DAVID A. RINGER

By: 
Arthur V. Belendiuk
His Attorney

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July 16, 1993

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OFFICE OF THE SECRETARY

In re Application of)
)
DAVID A. RINGER) File No. BPH-911230MA
)
For Construction Permit for a new)
FM Station at Westerville, Ohio)

AMENDMENT

David A. Ringer, an applicant for a new FM Station on Channel 280A at Westerville, Ohio (File No. BPH-911230MA), hereby submits the following amendment for purpose of correcting information contained in Exhibit 4 to his original application and pages 2-3 of his Integration Statement concerning his record of past local residence.

Executed this 16th day of July, 1993.



David A. Ringer

INTEGRATION AND DIVERSIFICATION STATEMENT

David A. Ringer ("Ringer"), an individual applicant in the above-captioned proceeding, pursuant to §1.325(c)(2) of the Commission's Rules (47 C.F.R. §1.325(c)(2)), hereby submits his "Integration and Diversification Statement".

Ownership Structure

David A. Ringer is an individual applicant.

Integration Proposal

In the event of a grant of his application, David A. Ringer will participate in the management of the proposed facility at Westerville, Ohio. Mr. Ringer will terminate all other employment, relocate to Westerville, Ohio and serve as General Manager of the station on a full-time basis (40 hours or more per week). His duties will include overall responsibility for sales, personnel and implementation of the Station's EEO program.

Local Residency

Mr. Ringer's full-time integration should be enhanced by the following record of local residence within the proposed station's service area:

<u>Dates</u>	<u>Location</u>
4/92 - Present	417 West Sixth Avenue Columbus, Ohio 43201
11/86 - 4/92	1000 Urlin Avenue, #1017 Columbus, Ohio 43212
1972 - 1974	600 E. Town Street Columbus, Ohio

Civic Activities

Mr. Ringer's full-time integration proposal should be enhanced by the following record of participation in civic activities in the service area of the proposed station:

<u>Dates</u>	<u>Activities - Locations</u>
1986, 1987	Volunteer for Salvation Army Christmas Drives - Columbus, Ohio
1987 - 1991	Volunteer for Toys for Tots Program - Columbus, Ohio
8/91	Fundraiser, organizer and volunteer for Children's Hospital - Columbus, Ohio

Broadcast Experience

Mr. Ringer's full-time integration proposal should be enhanced by the following record of broadcast experience:

<u>Dates</u>	<u>Stations - Locations - Positions</u>
1961 - 1962	WMUB(FM) Miami University Oxford, Ohio News Reporter
1969 - 1972	WLNO(FM) London, Ohio Afternoon and weekend program director
1990 - Present	WYBZ(FM) Crooksville, Ohio Secretary, Treasurer and Director

Auxiliary Power

Mr. Ringer's full-time integration proposal should be enhanced by his proposal to install auxiliary power generators at both the studio and transmitter locations.

Diversification

Mr. Ringer is currently Treasurer, Secretary and

Director of WYBZ(FM), Crooksville, Ohio. In the event of a grant of his Westerville application, Mr. Ringer, prior to the date the Westerville station begins operation under Program Test Authority, will sell his interest, terminate his employment and any connection he may have with WYBZ(FM) or any other media interest he may acquire.

Executed this 16 day of July, 1993.

DAVID A. RINGER

By: David A. Ringer
David A. Ringer

DECLARATION

David A. Ringer, under penalty of perjury, declares as follows:

1. I am an individual applicant for a new FM station at Westerville, Ohio.

2. On July 15, 1993 I met with counsel to prepare for my deposition in the Westerville proceeding. As part of this preparation, I reviewed a copy of the Joint Engineering Exhibit that was prepared on behalf of the applicants. Counsel asked me to review the map that was included with the Joint Engineering Exhibit and that depicted my station's proposed service area and to verify whether my past local residences were, in fact, located within the station's 10 m (10 mile) service contour. At this point I

CERTIFICATE OF SERVICE

I, Patricia Neil, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 16th day of July, 1993, copies of the foregoing were mailed via first class mail postage

Eric S. Kravetz, Esq.
Brown, Nietert & Kaufman, Chartered
1920 N Street, N.W.
Suite 660
Washington, DC 20036
Counsel for Wilburn Industries, Inc.

(*): By Hand Delivery


Patricia Neil